

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: GEORGE S. GALES, CRAIG D. ANDERSON,
RICHARD L. SCHERTZ and RICHARD P. TARQUINI

MAILED

MAY 25 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 10/001,431

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on May 16, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

On January 19, 2006, an Examiner's Answer was mailed, responding to the Appeal Brief filed September 21, 2005. A review of the Examiner's Answer reveals it is not in compliance with the Manual of Patent Examining Procedure, MPEP § 1207.02 which states:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Correction of the record is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) to vacate the Examiner's Answer mailed January 16, 2006;
- 2) to issue a revised Examiner's Answer identifying all required headings in accordance with the new rules effective September 13, 2004; and
- 3) for such further action as may be appropriate.

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AND INTERFERENCES



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